

SENATE BILL NO. 57

INTRODUCED BY LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A STUDENT WHO IS ATTENDING A JOB CORPS PROGRAM FROM CLAIMING THE JOB CORPS FACILITY AS THE STUDENT'S RESIDENCE FOR EDUCATIONAL PURPOSES; AMENDING ~~SECTION~~ SECTIONS 20-5-322, 20-7-420, 20-9-707, AND 20-10-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 20-5-322, MCA, IS AMENDED TO READ:

"20-5-322. Residency determination -- notification -- appeal for attendance agreement. (1) In considering an out-of-district attendance agreement, except as provided in 20-9-707, the trustees shall determine the child's district of residence on the basis of the provisions of 1-1-215.

(2) Within 10 days of the initial application for an agreement, the trustees of the district of choice shall notify the parent or guardian of the child and the trustees of the district of residence involved in the out-of-district attendance agreement of the anticipated date for approval or disapproval of the agreement.

(3) Within 10 days of approval or disapproval of an out-of-district attendance agreement, the trustees shall provide copies of the approved or disapproved attendance agreement to the parent or guardian and to the child's district of residence.

(4) Within 15 days of receipt of an approved out-of-district attendance agreement, the trustees of the district of residence shall approve or disapprove the agreement under the provisions of this part and forward the completed agreement to the county superintendent of schools of the county of residence, the trustees of the district of choice, and the parent or guardian.

(5) If an out-of-district attendance agreement is disapproved or no action is taken, the parent may appeal the disapproval or lack of action to the county superintendent and, subsequently, to the superintendent of public instruction under the provisions for the appeal of controversies in this title."

SECTION 2. SECTION 20-7-420, MCA, IS AMENDED TO READ:

"20-7-420. Residency requirements -- financial responsibility for special education. (1) ~~h~~

1 ~~accordance with the provisions of 1-1-215~~ Except for a pupil attending a job corps program pursuant to 20-9-707,
2 a child's district of residence for special education purposes ~~is the residence of the child's parents or of the~~
3 ~~child's guardian if the parents are deceased~~ must be determined in accordance with the provisions of 1-1-215,
4 unless otherwise determined by the court. This applies to a child living at home, in an institution, or under foster
5 care. If the parent has left the state, the parent's last-known district of residence is the child's district of
6 residence.

7 (2) The county of residence is financially responsible for tuition and transportation as established under
8 20-5-323 and 20-5-324 for a child with a disability, as defined in 20-7-401, who attends school outside the district
9 and county of residence because the student has been placed by a state agency in a foster care or group home
10 licensed by the state. The county of residence is not financially responsible for tuition and transportation for a
11 child who is placed by a state agency in an out-of-state public school or an out-of-state private residential facility.

12 (3) If an eligible child, as defined in 20-7-436, is receiving inpatient treatment in an in-state residential
13 treatment facility or children's psychiatric hospital, as defined in 20-7-436, and the educational services are
14 provided by a public school district under the provisions of 20-7-411 or 20-7-435, the superintendent of public
15 instruction shall reimburse the district providing the services for the negotiated amount, as established pursuant
16 to 20-7-435(5), that represents the district's costs of providing education and related services. Payments must
17 be made from funds appropriated for this purpose. If the negotiated amount exceeds the daily membership rate
18 under 20-7-435(3) and any per-ANB amount of direct state aid, the superintendent of public instruction shall pay
19 the remaining balance from available funds. However, the amount spent from available funds for this purpose
20 may not exceed \$500,000 during a biennium.

21 (4) A state agency that makes a placement of a child with a disability is responsible for the financial
22 costs of room and board and the treatment of the child. The state agency that makes an out-of-state placement
23 of a child with a disability is responsible for the education fees required to provide a free appropriate public
24 education that complies with the requirements of Title 20, chapter 7, part 4."

25
26 **Section 3.** Section 20-9-707, MCA, is amended to read:

27 **"20-9-707. Agreement with accredited Montana job corps program.** (1) The trustees of a school
28 district may enter into an interlocal cooperative agreement for the ensuing school fiscal year under the provisions
29 of Title 7, chapter 11, part 1, with a Montana job corps program accredited by the northwest association of
30 schools and colleges to provide educational or vocational services that are supplemental to the educational

1 programs offered by the resident school district.

2 (2) A student who receives educational or vocational services at a Montana job corps program pursuant
3 to an agreement authorized under subsection (1) must be enrolled, for purposes of calculating average number
4 belonging, in a public school in the student's district of residence. Credits taken at the accredited Montana job
5 corps program must be approved by the school district and meet the requirements for graduation at a school
6 in the student's district of residence, must be taught by an instructor who has a current and appropriate Montana
7 high school certification, and must be reported by the institution to the student's district of residence. Upon
8 accumulating the necessary credits at either a school in the district of residence or at an accredited Montana job
9 corps program pursuant to an interlocal cooperative agreement, a student must be allowed to graduate from the
10 school in the student's district of residence.

11 (3) A school district that, pursuant to an interlocal cooperative agreement, allows an enrolled student
12 to attend a Montana job corps program accredited as prescribed in subsection (1) is not responsible for payment
13 of the student's transportation costs to the job corps program.

14 (4) A student attending a job corps program may not claim the job corps program's facility as the
15 student's residence for the purposes of this section."

16
17 **SECTION 4. SECTION 20-10-105, MCA, IS AMENDED TO READ:**

18 **"20-10-105. Determination of residence.** When the residence of an eligible transportee is a matter
19 of controversy and is an issue before a board of trustees, a county transportation committee, or the
20 superintendent of public instruction, except as provided in 20-9-707, the residence must be established on the
21 basis of the general state residence law as provided in 1-1-215. Whenever a county is determined to be
22 responsible for paying tuition for any pupil in accordance with 20-5-321 through 20-5-323, the residence of the
23 pupil for tuition purposes is the residence of the pupil for transportation purposes."
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25 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2005.

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